

REMARKS

The Office Action dated February 14, 2008 has been received and reviewed. This response, submitted along with a Petition for a Three-Month Extension of Time, is directed to that action.

Claims 8-9 and 23-24 have been amended. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Oath and Declaration

The applicants acknowledge the Examiner's objection to the executed Oath and Declaration as defective because it does not state "material to patentability as defined in 37 CFR 1.56". Rather, the Oath and Declaration includes the language "material to patentability as defined in 37 CFR 1.56(a)". The applicants respectfully traverse this objection.

The USPTO has waived the express language requirement under 37 CFR 1.63(b)(3) for applications filed prior to June 1, 2008. See USPTO Official Gazette, February 12, 2008, "Duty of Disclosure Language Set Forth in Oaths or Declarations Filed in Nonprovisional Patent Applications", 1327 OG 112. The USPTO has explicitly stated that, in pending applications, the language "as defined in 37 CFR 1.56(a) will be accepted as acknowledging the applicant's duty to disclose information 'material to patentability' as defined in 37 CFR 1.56." 1237 OG 112. Therefore, the applicants respectfully request that the Examiner withdraw this objection.

Claim Objections

The Examiner objected to claims 5 and 21 for minor informalities. These claims have been amended herein, thus rendering the objections moot.

Claim Rejections- 35 U.S.C. §112

The Examiner rejected claims 1-24 under 35 U.S.C. §112, second paragraph as indefinite because, according to the Examiner, the term "water softening agent" is unclear because it is "not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention". Office Action, page 3, lines 3-5. The applicants respectfully traverse this rejection.

Definiteness of claim language must be analyzed in light of (a) the content of the particular application disclosure; (b) the teachings of the prior art; and (c) the claim interpretation that would be given by one possessing the ordinary level of skill in the art at the time of the invention. MPEP 2173.02. First, the term "water softening active" is described in the specification, particularly on page 4, line 6 through page 5, line 21. In fact, several examples of water softening actives are listed. This alone should suffice to provide definiteness to the claim. Nonetheless, there are numerous prior art references that discuss water softening actives, in particular, US 20050156141 A1. The applicants submit that the term is well-known in the art, and that a skilled artisan clearly understands the meaning of the term. Accordingly, the applicants submit that the term is not indefinite and respectfully request that the Examiner withdraw this rejection.

The Examiner additionally rejected claims 8, 23 and 24 under 35 U.S.C. §112, second paragraph as indefinite for lacking antecedent basis for certain terms within the claims. These claims have each been amended herein to correct the dependency of the claims in order to provide proper antecedent basis for the terms, thus rendering these rejections moot.

The Examiner also rejected claim 9 under 35 U.S.C. §112, second paragraph as indefinite because it was not clear whether the claim was meant to further narrow claim 8 by requiring acid to be fully neutralized. The applicants have amended claim 9 to clarify that the acid is -partly- neutralized, as in claim 8. The applicants respectfully submit that this amendment renders the rejection moot.

Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1, 3, 5-7, 14-15 and 17-24 under 35 U.S.C. §102(b) as anticipated by Duffield (GB 2374830). The applicants respectfully submit that this rejection is improper because this reference is not prior art under 35 U.S.C. §102(b), as alleged by the Examiner.

Section 102(b) of Title 35 of the United States Code provides that a reference is prior art against an application if the published *more than one year prior* to the filing date of the present application. The effective filing date of the present application is May 10, 2003 (based on the priority document, GB application 0310803.2)¹, while the publication date of Duffield is November 30, 2002. Duffield was published less than one year before the present application's filing date, and therefore is not prior art under 35 U.S.C.

¹ The priority of the present application was perfected on November 7, 2005 by the submission of a Certified Copy of GB patent application 0310803.2.

§102(b). Accordingly, the applicants respectfully request that the Examiner withdraw this rejection.

The Examiner additionally rejected claims 1-2, 4, 8-13 and 16 under 35 U.S.C. §102(b) as anticipated by Lee et al. (US 2001/006936). The applicants respectfully traverse this rejection.

The applicants submit that Lee is directed to a product for removing residue from semiconductors, while the present application is directed to a water softening composition. There is no teaching in Lee of any type of water softening product, or that his product can be used as a water softener. Accordingly, the applicants submit that Lee fails to teach all of the limitations of the presently claimed invention, and respectfully request that this rejection be withdrawn.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

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AUG 14 2008

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account

No. 14-1263.

Respectfully submitted,

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